

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELI SPORN, <i>individually and on behalf of all others</i>	:
<i>similarly situated,</i>	:
	:
Plaintiff,	:
	:
v.	:
	:
BRAINSTORM CELL THERAPEUTICS INC., et al,	:
	:
Defendants.	:
	:
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23-CV-9630 (DEH)

ORDER

DALE E. HO, United States District Judge:

This Order supersedes ECF No. 7. On November 1, 2023, Plaintiff filed a class action lawsuit on behalf of purchasers of Brainstorm Cell securities between August 15, 2022, and September 27, 2023 (ECF No. 1). The complaint alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“1934 Act”) (15 U.S.C. §§ 78j(b) and 78t(a)) and Rule 10b-5 promulgated thereunder).

As explained in the Court’s November 2, 2023 Order (ECF No. 5), Section 78u-4(a)(3)(A) of the Private Securities Litigation Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A), requires that within twenty days of the filing of the complaint, Plaintiff shall “cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class . . . of the pendency of the action, the claims asserted therein, and the purported class period.” 15 U.S.C. § 78u-4(a)(3)(A)(i). The PSLRA also provides that “not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.” *Id.* In addition, the Act requires that not later than 90 days after the date on which notice

is published, the Court shall consider any motion made by a purported class member in response to the notice, and shall appoint as lead plaintiff the member or members of the purported plaintiff class that the Court determines to be most capable of adequately representing the interests of class members. *See id.* § 78u-4(a)(3)(B)(i). In the event that more than one action on behalf of a class asserting substantially the same claim or claims has been filed, and any party has sought to consolidate those actions for pretrial purposes or for trial, the Court shall not appoint a lead plaintiff until after a decision on the motion to consolidate is rendered. *See id.* § 78u-4(a)(3)(B)(ii).

Plaintiff's counsel notified the Court that the required notice was published on November 1, 2023 (ECF No. 6). Per Plaintiff's notice and letter dated November 30, 2023 (ECF No. 8), members of the purported class therefore have until **January 2, 2024**, to move the Court to serve as lead plaintiffs. It is further ORDERED that opposition to any motion for appointment of lead plaintiff shall be served and filed by **January 15, 2024**.

Finally, it is hereby ORDERED that the conference scheduled for January 23, 2024, at 2:30 p.m. ET is rescheduled for **January 22, 2024, at 10:30 a.m. EST**. The conference will be held via Microsoft Teams. The parties should dial in by calling (646) 453-4442 and entering the Phone Conference ID: 192 654 36, followed by the pound (#) sign.

If an amended complaint or a related case is filed prior to appointment of a lead plaintiff, Plaintiff's counsel shall, **within one week**, submit a letter to the Court identifying any differences between the allegations in the new complaint(s) and the allegations in the original complaint (including but not limited to any differences in the claims asserted and the relevant class periods) and showing cause why the Court should not order republication of notice under

the PSLRA and set a new deadline for the filing of motions for appointment. *See, e.g., Hachem v. Gen. Elec. Inc.*, No. 17-CV-8457 (JMF), 2018 WL 1779345 (S.D.N.Y. Apr. 11, 2018).

It is further ORDERED that the named plaintiff shall promptly serve a copy of this Order on each of the defendants.

SO ORDERED.

Dated: December 1, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written above a horizontal line.

DALE E. HO
United States District Judge